

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAREN TRACY,

Plaintiff,

Case No. 19-cv-12264
Hon. Matthew F. Leitman

v.

SHERIFF HOWARD HANFT,

Defendant.

ORDER DIRECTING PLAINTIFF TO
FILE A FIRST AMENDED COMPLAINT

On August 8, 2019, Plaintiff Karen Tracy filed this civil-rights action against Defendant Sheriff Howard Hanft. (*See* Compl., ECF No. 1.) Sheriff Hanft moved to dismiss Tracy's claims and/or for summary judgment (*see* Mot., ECF No. 9), and the Court held a hearing on that motion on February 13, 2020.

As explained on the record during the hearing, given the ambiguities in the manner in which Tracy has pleaded her claim(s), the Court cannot reasonably assess Sheriff Hanft's arguments that Tracy has failed to state a claim and/or that he is entitled to qualified immunity. Accordingly, Tracy is **DIRECTED**, by no later than **March 5, 2020**, to file a First Amended Complaint in this action. The Court does not anticipate allowing Tracy another opportunity to amend to add factual allegations that she could now include in her First Amended Complaint. Simply put,

this is Tracy's opportunity to allege any and all additional facts, currently known to her, that may cure the alleged pleading deficiencies in the Complaint.

Because the Court is directing Tracy to file a First Amended Complaint, it will **TERMINATE WITHOUT PREJUDICE** Sheriff Hanft's currently-pending motion as moot. After Tracy files her First Amended Complaint, the Court will hold a telephonic status conference with counsel to discuss next steps in this action. At that time, Sheriff Hanft will be given an opportunity to re-file his motion to dismiss in which he may raise any appropriate defenses, including but not limited to qualified immunity.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: February 13, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 13, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764